

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ANTHONY LEE PRELLWITZ,

Civil No. 07-2120 (PAM/JSM)

Plaintiff,

v.

ORDER

BRUCE ANDERSON,
Sherburne County Sheriff,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated June 5, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED:

1. Plaintiff's application for leave to proceed in forma pauperis, (Docket No. 2), is **DENIED**;

2. Plaintiff's motion for appointment of counsel, (Docket No. 6), is **DENIED**;

3. This action is summarily **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1);

4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350, in accordance with 28 U.S.C. § 1915(b)(2); and

5. The dismissal of this action is counted as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

Dated: July 12, 2007

s/ Paul A. Magnuson
PAUL A. MAGNUSON
United States District Judge